Effective June 1, 2012, Env-A 1401.03 reads as follows:

Env-A 1401.03 Definition. For purposes of this part, the following definitions shall apply:

(a) "Biodiesel" means a diesel fuel substitute that is composed of mono-alkyl esters of long chain fatty acids, is derived from vegetable oils or animal fats, and meets the requirements of the American Society for Testing and Materials (ASTM) specification D6751;

(b) "Biofuel" means bio-oil, bio synthetic gas, or biodiesel, alone or in any combination;

(c) "Biomass" means "biomass" as defined in RSA 125-C:2, III-a, namely "organic material used as a fuel, not including wood derived from construction and demolition debris, as defined in RSA 149-M:4, IV-a; wood which has been chemically treated; or agricultural crops or aquatic plants or byproducts from such crops or plants, which have been used to rehabilitate a contaminated or brownfields site through a process known as 'phytoremediation.' " The term also does not include any mixture containing the wood component of construction and demolition debris or any material or mixture containing sewage sludge, industrial sludge, medical waste, hazardous waste, household or municipal waste, animal or human remains, animal or human waste, or radioactive waste;

(d) "Bio-oil" means a liquid fuel derived from vegetable oils, animal fats, wood, straw, forestry byproducts, or agricultural byproducts using noncombustion thermal, chemical, or biological processes, including, but not limited to, distillation, gasification, hydrolysis, or pyrolysis, but not including anaerobic digestion, composting, or incineration; and

(e) "Bio synthetic gas" means a gaseous fuel derived from vegetable oils, animal fats, wood, straw, forestry byproducts, or agricultural byproducts using noncombustion thermal, chemical, or biological processes, including, but not limited to, distillation, gasification, hydrolysis, or pyrolysis, but not including anaerobic digestion, composting, or incineration.

Effective June 1, 2012, Env-A 1402.02 and Env-A 1402.03 read as follows:

Env-A 1402.02 Additional Exemptions for Sources and Activities. Pursuant to RSA 125-I:3, III(c), the owner or operator of a device or process that meets the criteria of Env-A 1401.02 also shall be exempt from the requirements of this chapter for a particular RTAP if the emissions of such pollutant are from, or result from, any of the following sources or activities:

(a) The combustion of one or more of the following fuels:

(1) Coal;

(2) Natural gas;

(3) Propane;

(4) Biofuels as defined in Env-A 1401.03(a); or

(5) Biomass as defined in Env-A 1401.03(b);

(b) A gasoline dispensing or storage facility or cargo truck as regulated pursuant to Env-A 1204 or Env-Wm 1404;

(c) An exempt activity as classified in Env-A 609.03;

(d) A pneumatic transfer system for collecting sander dust which uses a baghouse that is operated and maintained in accordance with the manufacturer's specifications;

(e) Non-metallic mineral processing plants, as defined in Env-A 2802.03;

(f) Wastewater evaporators that do not process wastewater containing volatile organic compounds (VOCs);

(g) Waste oil heaters that meet the following criteria:

(1) The sum of the gross heat input design ratings for all devices equals 500,000 Btu per hour or less;

(2) The sum of the fuel use rate for all devices equals 3.6 gallons per hour of fuel use or less;

(3) All devices burn 8,640 gallons per year or less of specification used oil as defined in Env-Hw 807.02;

(4) Each exhaust stack has an inside diameter of 8 inches or less;

(5) Each exhaust stack outlet is 20 feet or more above the ground;

(6) Each exhaust stack is vertical and unobstructed; and

(7) All devices are operated and maintained in accordance with manufacturer's specifications;

(h) Spray coating operations used for maintenance limited to painting of process equipment using commercially available paints or coatings, but excluding VOC degreasing operations;

(i) Crematoriums;

(j) A publicly owned wastewater treatment facility with actual effluent flow of 200,000 gallons per day or less which is in compliance with all the conditions of its national pollutant discharge elimination system (NPDES) permit, in accordance with section 402 of the clean water act, 33 U.S.C. 1251 et. seq.; and

(k) The use of consumer products in a manner consistent with how the general public would use the product.

Env-A 1402.03 Additional Exemptions for Hazardous Air Pollutants. As authorized by RSA 125-I:3, III(c), the following emissions of a hazardous air pollutant (HAP), as defined in Env-A 101.97, shall be exempt from this chapter:

(a) HAP emissions from a process or device located at a major source as defined in Env-A 101.115(b), provided that process or device uses the requisite pollution control equipment to comply with a national emission standard for HAPs as codified in 40 CFR 61 or 40 CFR 63; and

(b) HAP emissions from a solid waste incineration unit that is subject to rules or plans authorized by, and adopted in accordance with, §129 of the Act, provided the unit uses the pollution control equipment required to comply with those rules or plans.

Effective June 1, 2012, the following changes are made to Table 1450-1, as reflected in the following excerpts from that table:

(1) inserting the following to Table 1450-1: Citral, inhalable fraction and vapor and establishing 24-hr and annual AALs and *de minimis* values;

(2) removing the following from Table 1450-1: Tantalum, metal and oxide; Rhodium, metal and insoluble compounds; Tantalum oxide, as Ta dust; Paraffin wax fume; Ferrovanadium dust; Perfluorobutyl ethylene; Methyl isoamyl ketone; Iron Salts, soluble, as Fe; Nicotine; Methyl Formate; Dichlorotetrafluoroethane; Ammonium chloride fume; Sulfur hexafluoride; Calcium oxide; Calcium silicate synthetic nonfibrous, containing no asbestos; Clopidol; Divinyl benzene; Borate compounds, (sodium borate pentahydrate) inhalable fraction; sec-Amyl acetate^{D}; tert-Amyl acetate^{D}; 3-Amyl acetate^{D}; 2-Methybutyl acetate^{D}; Vinylidene fluoride; Propylene; Ammonium persulfate; Silicon tetrahydride; Dibutyl phosphate, inhalable fraction and vapor; Ethyl butyl ketone; Pentane; 2,2-Dimethylpropane; 1-Hexene; 2-Methylpentane; Ethyl amyl ketone; Potassium persulfate; Dipropyl ketone; Adipic acid; n-Butyl lactate; Piperazine dihydrochloride; o-Methylcyclohexanone; Nonane, all isomers; 4-Methoxyphenol; Cesium hydroxide; Boron oxide; Methyl propyl ketone; Isopropyl ether; Isopropyl acetate; Disobutyl ketone; sec-Hexyl acetate; Isobutyl acetate; Methyl amyl ketone; n-Propyl acetate; Ethyl formate; Dimethyl sulfide; tert-Butyl chromate, as CrO_3; Sodium hydroxide; m-Xylene a,a'-diamine; Hexylene glycol; Cyclopentane; Methyl acetate; Phenyl ether, vapor; Zirconium and compounds; o-Chlorostyrene; 2,2-dichloropropionic acid; Barium sulfate; Ammonium sulfamate; 1,1,1,2-Tetrachloro-2,2-difluoroethane; n-Propyl nitrate; Difluorodibromomethane; Methylcyclohexane; Trifluorobromomethane; Chloropentafluoroethane;

Trichlorofluoromethane; 1,1,2,2-Tetrachloro-1,2-difluoroethane; Glycol ethers not otherwise regulated[F]; 2,4-Dinitrophenol; 2-Acetylaminofluorene; N-Nitrosomorpholine; 4-Dimethylaminoazobenzene; Acetamide; 2,4,5-Trichlorophenol; Styrene Oxide; 4-Nitrophenol; 3,3'-Dimethoxybenzidine; Dibenzofuran; Isoamyl acetate[D] (see pentyl acetate); Chloramben; A-Naphthylamine; Carbonyl sulfide; Chlorobenzilate; 2,2,4-Trimethylpentane; n-Amyl acetate[D] (see pentyl acetate); N-Nitroso-N-methylurea; Titanium tetrachloride;

(3) decreasing the AALs, 24-hr de minimis values, and/or annual de minimis values for certain existing regulated toxic air pollutants in Table 1450-1 as follows: Dieldrin – adding "inhalable fraction and vapor" to the description and lowering the 24-hr and annual AALs and lowering the 24-hr and annual *de minimis* values; Methyl styrene – adding "alpha" to the description and lowering the 24-hr and annual AAL and 24-hr and annual *de minimis;* β-Chloroprene – lowering the annual AAL and annual *de minimis* values; Sodium cyanide and Potassium cyanide – adding "as CN" to the description and lowering the annual AAL and annual *de minimis* values; Cyanogen – lowering the annual AAL and annual *de minimis* values; Thallium, elemental and soluble compounds – deleting "elemental and soluble compounds" and adding "and compounds, as Tl, inhalable fraction" to the description and lowering the 24-hr and annual AAL, and the 24-hr and annual *de minimis* values;

(4) increasing the 24-hr AAL and decreasing the annual AALs, and increasing the 24-hr, and annual de minimis values for Hydrogen cyanide and adding "as CN" to the description;

(5) lowering the toxicity class to II, decreasing the 24-hr and annual AALs and 24-hr and annual de minimis values, and adding "cis" to the description of 1,2-Dichloroethylene;

(6) lowering the toxicity class to I, decreasing the 24-hr and annual AALs and 24-hr and annual de minimis values, and adding "inhalable fraction and vapor" to the description of o-Cresol, m-Cresol, and p-Cresol; and *adding "all isomers, inhalable fraction and vapor" to the description of* Cresol,

(7) increasing the Toxicity Class to II and lowering the 24-hr and annual AAL, and the 24-hr and annual de minimis values for Thionyl chloride;

(8) adjusting the description of certain existing regulated toxic air pollutants in Table 1450-1 as follows: Barium – adding "and soluble compounds, as Ba" to the description; Yttrium metal and compounds – deleting "metal" from the description and adding "as Y" and to the description; Tellurium, as Te – adding "and compounds" and "excluding hydrogen telluride" to the description; Hydrogenated terphenyls – adding "(nonirradiated)" to the description; Oil Mist, Mineral – changing the description to "Mineral oil, excluding metal working fluids, pure, highly and severely refined, inhalable fraction"; and

(9) correcting CAS# or RTAP name as follows: Diquat dibromide, inhalable fraction (see Diquat, inhalable fraction) – from 85-00-1 to 85-00-7; trans-1,2-Dichloroethylene – from 156-06-5 to 156-60-5; CAS# 528-29-0 [1,2-Dichlorobenzene] – to 1,2-Dinitrobenzene;

(10) inserting the Toxicity Class, 24-hr AAL, annual AAL, 24-hr de minimus, and annual de minimus for Diquat dibromide, inhalable fraction *to match* Diquat, inhalable fraction*;*

so that with respect to the aforementioned regulated toxic air pollutants, Env-A 1450.01(b) is cited and read as follows:

CAS Number	Description	Toxicity Class[A]	24-Hr AAL ($\mu g/m^3$)	Annual AAL (ug/m^3)	24-Hr De Minimis[B] (lbs/day)	Annual De Minimis (lbs/yr)
60-57-1	Dieldrin, inhalable fraction and vapor	I	0.36	0.24	0.0042	1.5
74-90-8	Hydrogen cyanide, as CN	I	19	0.80	0.23	13
85-00-7	Diquat dibromide, inhalable fraction (see Diquat, inhalable fraction)	I	1.8	1.2	0.021	7.8
95-48-7	o-Cresol, inhalable fraction and vapor	I	71	48	0.84	308

CAS Number	Description	Toxicity Class[A]	24-Hr AAL ($\mu g/m^3$)	Annual AAL (ug/m^3)	24-Hr De Minimis[B] (lbs/day)	Annual De Minimis (lbs/yr)
98-83-9	alpha – Methyl styrene	II	173	115	2.1	750
106-44-5	p-Cresol, inhalable fraction and vapor	I	71	48	0.84	308
108-39-4	m-Cresol, inhalable fraction and vapor	I	71	48	0.84	308
126-99-8	β-Chloroprene	I	129	20	1.5	326
143-33-9	Sodium cyanide, as CN	I	18	0.80	0.21	13
151-50-8	Potassium cyanide, as CN	I	18	0.80	0.21	13
156-60-5	trans-1,2-Dichloroethylene	II	3989	2659	47	17298
156-59-2	cis 1,2-Dichloroethylene	II	3989	2659	47	17298
528 – 29 – 0	1,2-Dinitrobenzene	II	5.0	3.4	0.059	22
1319-77-3	Cresol, all isomers, inhalable fraction and vapor	I	71	48	0.84	308
5392-40-5	Citral, inhalable fraction and vapor	I	89	60	1.1	386
7440-28-0	Thallium and compounds, as Tl, inhalable fraction	I	0.071	0.048	0.00084	0.31
7440-39-3	Barium and soluble compounds, as Ba	II	2.5	1.7	0.030	11
7440-65-5	Yttrium and compounds, as Y	III	15	9.9	0.18	65
7719-09-7	Thionyl chloride	II	3.9	2.3	0.046	17
8012-95-1	Mineral oil, excluding metal working fluids, pure, highly and severely refined, inhalable fraction	II	25	17	0.30	108
13494-80-9	Tellurium, and compounds, as Te, excluding hydrogen telluride	I	0.36	0.24	0.0043	1.6
61788-32-7	Hydrogenated terphenyls (nonirradiated)	III	73	49	0.87	317

APPENDIX

Rule	State Statute(s) Implemented
Env-A 1401.03	RSA 125-I:1; RSA 125-I:2; RSA 125-I:3, I & II
Env-A 1402.02	RSA 125-I:3, III(c)
Env-A 1402.03	RSA 125-I:3, III(c)
Env-A 1450.01(b)	RSA 125-I:4